

**REMARKS**

Receipt of the Office Action of March 29, 2005 is gratefully acknowledged.

The present amendments to the specification and claims is a bona fide attempt to place this application in condition for allowance. This Response is being filed in conjunction with the filing of an RCE application in order to continue the prosecution of this application and the invention defined.

In the Office Action of March 29, 2005, claims 1 - 12 were rejected under 35 USC 112, second paragraph, because the meaning to be conveyed by the terms "high" and "weak" with respect to the frictional resistance and the tensional warp warp threads do not convey a clear meaning. Both "high" and "weak" are, of course, relative terms. These terms to be understood, however, must be considered in the context of what the person of ordinary skill in the art understands, given his/her knowledge of the art. See, *In re Story*, 114 USPQ 293 (CCPA, 1957). definitions of relative terms are not necessary, if those skilled in the art when considering the invention as described know what "high" and "weak" mean. See, *Rosemount, Inc. v. Beckman Instruments, Inc.* 221 USPQ1 (Fed. Cir., 1984).

While it is applicants' view that the relative terms in question would be understood by one of ordinary skill in the art, the claims have been amended to remove the noted relative terms "high" and "weak", thereby rendering this rejection moot.

The rejection under 35 USC 112, second paragraph because there is no antecedent basis for "said loose warp threads" in claim 1 has also been rendered moot in view of the amendment to claim 1 by which antecedent basis has been provided.

The examiner also rejects claims 1 - 12 under 35 USC 112, first paragraph as "failing to comply with the written description requirement." Specifically, the examiner is of the opinion that "[t]he specification as originally filed does not state that the 'the portions of said loose warp thread that are raised by the underlying weak tensioned warp thread' extend 'obliquely to the longitudinal direction of said fabric.'" Applicants cannot agree. The specification does not contain the description noted by the examiner. That is correct. But the drawings do. That is, the drawings show the oblique relationship, and this showing existed from the time the application was filed. See, Fig. 2. Please refer to the annotated copy of Fig. 2 enclosed herewith. From this annotated copy the oblique relationship is clearly shown, and was always clearly shown. A disclosure in the drawings is sufficient to satisfy the statute (35 USC 112). The illustration is adequate basis for amending the specification to include a written description which does not extend beyond the bounds of the illustration. In this case, the oblique relationship is a sufficient illustration for the proposed amendment to the specification.

To reiterate from a consideration of Figs. 2 and 3 of the application, the interlacing of two different warp threads B and C with weft threads A is shown. The tensioned warp threads B (weak warp thread) and the warp threads C (somewhat loose thread) are interlaced with the weft threads A such that the warp threads C extend on and along the warp threads B in a zig-zag fashion to thereby provide a roughened or irregular surface having a plurality of spaced-apart nubs 111 that extend obliquely to the longitudinal direction of the fabric. The nubs are formed by the warp threads C that are raised by the warp threads B, and this arrangement yields the superior sliding resistant surface.

The examiner has again rejected claims 1 - 12 as unpatentable under 35 USC 103(a) over Campbell et al in view of Yuba. This rejection as it applies to the retained claims 1 - 4, 11 and 12 is respectfully traversed


We have noted that the Campbell patent discloses warp threads 12 and 13 with weft thread 14. The elastic warp thread 12 runs below it on both sides of each weft thread 14. In addition, the portions of the elastic warp thread 12 that are raised by the underlying **weft thread** 14 generally extend **in the longitudinal direction of the fabric** and not obliquely thereto. Please refer again to the annotated copy of Campbell being submitted herewith. Without the oblique relationship, the sliding resistance will definitely be adversely affected.

The spaced apart nubs provide higher friction resistance in the longitudinal direction than in the leno weave of the Campbell patent. It should also be noted that the spaced-apart nubs of each adjacent pair extend obliquely **in opposite directions**, i.e., at angles of about 45 and 135 degrees, which means that the fabric with this feature has, as noted, higher frictional resistances in virtually all directions including **the transverse** as well as the longitudinal direction.

U.S. Pat. Appl. 09/808,034

In view of the foregoing, reconsideration and re-examination are respectfully requested and claims 1 - 4, 11 and 12 should be indicated as being allowable over the art of record.

Respectfully submitted,

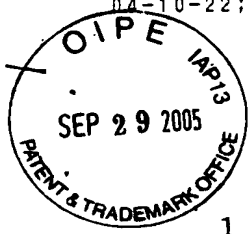


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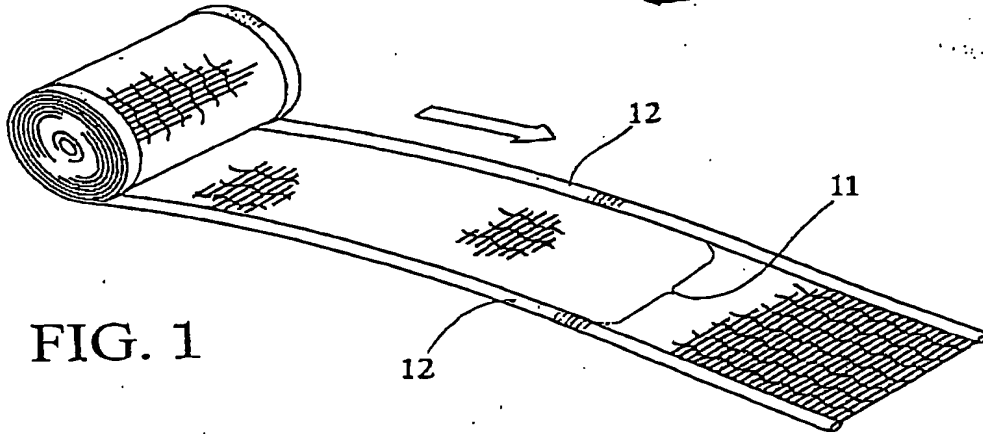
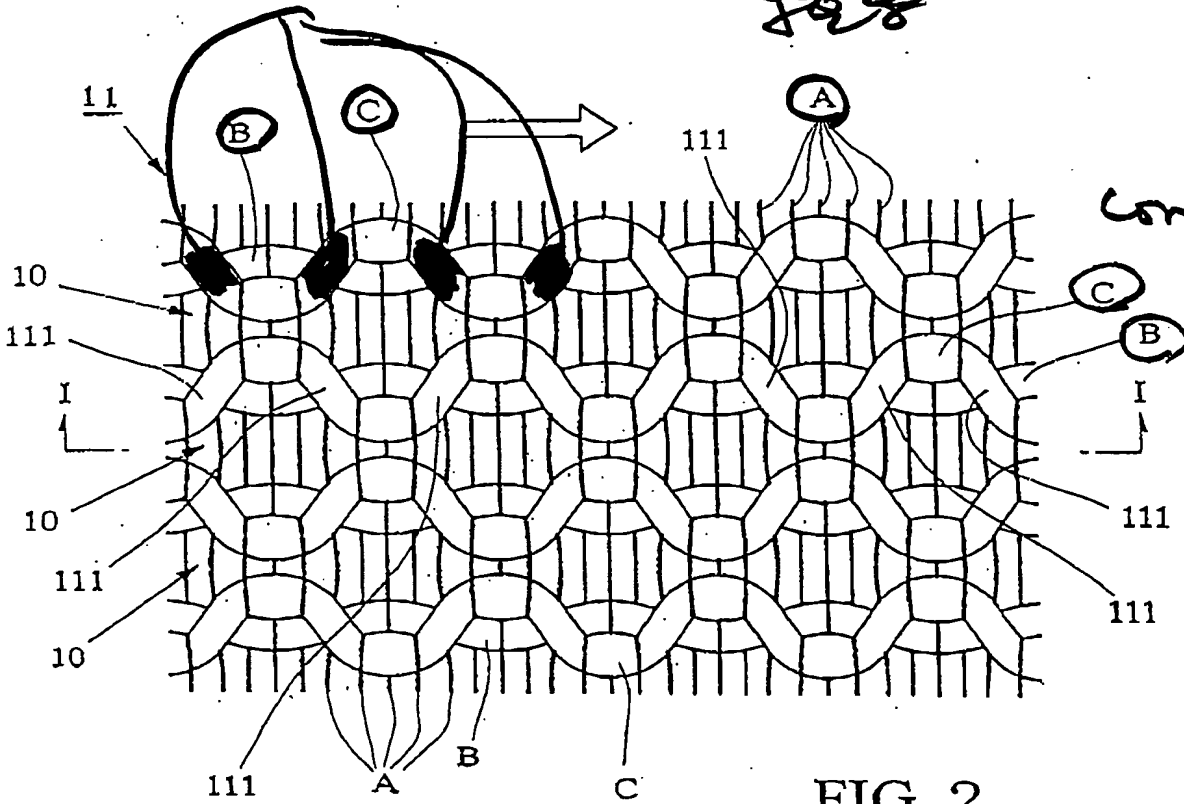


FIG. 1

*raised portions*

*拵*



*core yarn*

FIG. 2

*Campbell et al.*  
[11] 3,842,437  
[45] Oct. 22, 1974

**United States Patent** (19)  
**Campbell et al.**

- [54] **NARROW ELASTIC WAISTBAND**
- [75] **Inventors:** Roger G. Campbell; Richard E. Goff, Jr., both of Barrington; Normand D. Guay, Woonsocket, all of R.I.
- [73] **Assignee:** Johnson & Johnson, New Brunswick, N.J.
- [22] **Filed:** Jan. 8, 1973
- [21] **Appl. No.:** 321,903
- [52] **U.S. Cl.** ..... 2/237
- [51] **Int. Cl.** ..... A41F 9/02
- [58] **Field of Search** ..... 2/237, 236, 221, 220, 76; 139/421, 419, 422, 423, 420, 410; 57/140 B, 152, 163

282,074	5/1966	Australia.....	139/421
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Primary Examiner—H. Hampton Hunter

- [56] **References Cited**
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- 3,172,430 3/1965 Weidhaas..... 139/422
- 3,221,736 12/1965 Heitzmann..... 139/421 X
- FOREIGN PATENTS OR APPLICATIONS**
- 192,864 11/1957 Austria..... 139/421

[57] **ABSTRACT**

A narrow elastic waistband for use in the waist encircling portion of articles of apparel. The fabric is tubular woven and has monofilament filling yarns in the transverse direction of the fabric. In one layer of the tubular fabric elastic yarns are woven under tension in a leno weave along with longitudinally extending non-elastic yarns. The leno woven elastic yarns are on one surface of the monofilament filling yarns and the leno woven non-elastic yarns are on the opposite surface of the filling yarns to provide this layer with a transverse concave configuration. The other layer of the tubular fabric comprises longitudinally extending texturized yarns tied in at spaced intervals to the monofilament filling yarns.

7 Claims, 6 Drawing Figures

